

REMARKS

The Final Office Action dated August 19, 2008 has been reviewed and carefully considered. Claims 1 - 8 have been amended. Claims 1 and 6 are the only independent claims. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claims 1-8 currently stand rejected under 35 USC 102(b) as being anticipated by Hwang et al., U.S. Pub. No. 2002/0077141 (Hereinafter "Hwang"). Applicant respectfully traverses these rejections.

The present invention relates to a mobile communication system and method in which a base station and a plurality of mobile stations operate closed loop transmitter power control. In the claimed invention, power control commands for transmission on an uplink are derived from measurements made on a portion of received downlink signals, said portion having been modulated with non-predetermined data values. In particular, claim 6 recites:

6. A method of operating a communication system comprising a base station and at least one mobile station, comprising
  - at the base station, receiving first power control commands transmitted by the mobile station and transmitting a first downlink signal modulated with non-predetermined data values and subjected to transmit power control in accordance with the first power control commands, and

at the mobile station, receiving the first downlink signal, measuring a parameter of a portion of the first downlink signal, said portion having been modulated with the non-predetermined data values [emphasis added], generating the first power control commands in response to the measured parameter, and transmitting the first power control commands.

Of significance, and as emphasized above, the mobile station generates first power control commands in response to a parameter that has been measured from a portion of the first downlink signal, wherein that portion has been modulated with non-predetermined data values.

Hwang et al. teaches an apparatus and method for controlling the transmission power of a downlink shared channel (DSCH). Paragraph 3 of the Office Action points to Fig. 6 and paragraph [0155] of Ilwang as teaching the measurement means (250) for measuring a parameter of the received first downlink signal and in particular states “the dedicated channel pilot strength is a parameter of the downlink signal.” The Office Action further states that the DL\_DCH of Hwang “comprises a signal modulated with TPC values, which are non-predetermined data values.”

Applicant respectfully disagrees with the characterization of Hwang given in the quoted passages above and how they can be interpreted to teach the claimed invention. Paragraph [0155] recites:

A first dedicated channel pilot estimator 617 estimates the strength of the dedicated channel pilot received from the DEMUX 614. The estimated dedicated channel pilot signal strength is used by the downlink TPC command generator 650 to generate the downlink transmission power control information or downlink channel information. The TPC output from the DEMUX 614 is an uplink power control command transmitted from node B #1 to control the uplink signal power of the UE. The TPC is used as both an uplink transmission power control command and for generating the downlink transmission power control information in the downlink TPC command generator 650

Fig. 6 and paragraph [0155] both clearly demonstrate that it is the pilot signal strength that is the measured parameter used by the power control means to generate the first power control commands. Applicant submits that this feature of Hwang teaches away from the claimed invention wherein the parameter measured is that of a signal modulated with non-predetermined data values. As noted in paragraph [0016] of the present invention: “The invention is based on the realization that downlink closed loop power control may be operated by measuring the quality of received downlink non-predetermined data symbols instead of predetermined pilot symbols [emphasis added].”

The Office Action argues that in Hwang, the downlink signal, modulated with both non-predetermined data values (c.g., TPC values) and predetermined values (i.e. pilot signals) reads on the claimed invention. That is, a parameter of the downlink signal, the pilot signal containing predetermined values, is measured. Applicants have amended claim 6 to more clearly define the invention: that a parameter of a portion of the downlink signal, that portion having been modulated with non-predetermined data values,

is measured. Support for this amendment is found in the specification, *inter alia*, at paragraph [0016] of the application (quoted above).

Hwang fails to teach or suggest this feature of the claimed invention, and in fact teaches away from this feature, for as acknowledged in the Office Action, in Hwang the pilot signal is used to generate the downlink transmission power control information (Office Action at Page 3, lines 7-10; referencing paragraph 0155 lines 23-31 of Hwang).

For at least the reasons stated above, Hwang fails to teach the feature of claim 6 wherein a mobile station generates first power control commands in response to a measured parameter of a portion of the downlink signal, said portion of the downlink signal having been modulated with non-predetermined data values.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Hwang cannot be said to anticipate the present invention, because Hwang fails to disclose each and every element recited. As shown, Hwang fails to disclose a mobile station which generates first power control commands in response to a measured parameter; where this measurement is performed on a portion of the downlink signal that has been modulated with non-predetermined data values. Claim 1 contains similar features and is patentable over Hwang for at least the same reasons.

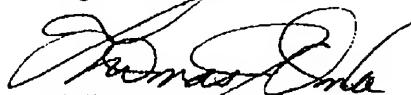
Having shown that Hwang fails to disclose each and every element claimed, Applicant submits that claims 1 and 6 are allowable over Hwang. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of claims 1 and 6.

With regard to claims 2-5 and 7-8, these claims are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Kevin C. Ecker  
Registration No. 43,600



By: Thomas Onka  
Attorney for Applicant  
Registration No. 42,053

Date: October 20, 2008

**Mail all correspondence to:**  
Kevin C. Ecker, Registration No. 43,600  
US PHILIPS CORPORATION  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001  
Phone: (914) 222-9618  
Fax: (914) 332-0615